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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,207	02/26/2002	Ben-Chuan Du	742433-0026	4668
22204	7590	11/16/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			NGUYEN, LAM S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,207

Applicant(s)

DU ET AL.

Examiner

LAM S NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 15-37 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 15-16, 18-21, 23-26, 28-34, and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano et al. (US 5914731).

Yano et al. discloses a printing apparatus comprising a print head for scanning over a printing medium, said print head comprising a printing element set comprising M printing elements for selectively forming images on said printing medium, wherein M is a positive integer (*FIG. 26: M is 128 heaters*);

a timing device for, in response to a reference timing sequence (*FIG. 28, S112: A basic driving pulse is used as a timing reference*) and a random value series (*FIG. 28, S113: The random value series is 16 random numbers from the random number table*) generating N sets of driving timing sequences (*FIG. 26, step S114-115: 16 timing sequences each represents a heat signal provided to one of 16 heaters*), said random value series including N random values, each of the N sets of driving timing sequence being obtained by shifting said reference timing sequence with corresponding one of N random values (*FIG. 28: Each set of heat signal H1 to H16 in step S114 is derived/shifted from the basic driving pulse in step S112 and the random number in step S113*), wherein N is a positive integer (*FIG. 28, S113: N=16*) (**Referring to claims 25, 33**); and

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a driving device for, in response to said N sets of driving timing sequences, forming said dot image (*FIG. 26-28: The heat signals H1-H16 drives the heaters during the printing operation*), wherein each set of driving timing sequences sequentially drives the M printing elements (*FIG. 26: The heat signals H1-H16 sequentially drive the 128 heaters*) to provide random distances between consecutive dot images formed by the printing element set of the printing head (*FIG. 29: Because the consecutive dots are printed under random dot size control, the spaces (or the boundary-to-boundary distances) between the consecutive dots are also randomly changed*) so a cyclic unevenness of said image is scattered (*column 2, lines 33-38: When the dot size is randomly changed, the white/black stripe-shaped can be eliminated*).

Referring to claims 16, 21, 26, and 34: wherein said timing device respectively adds N random values to said reference timing sequence to generate said N set of driving timing sequences (*column 18, lines 1-14*).

Referring to claims 18, 29: further comprising a unit for generating said random value series, said random value series being transmitted to said timing device via a transmission protocol (*FIG. 27, 30, element 1703 and FIG. 9, element 11*).

Referring to claims 19, 23, 30, 37: wherein said print head is an ink jet head to perform printing (*FIG. 3*).

Referring to claims 28, 36: wherein said random value sequence is composed of a set of numbers in random order (*column 18, lines 42-48*).

Referring to claim 31: wherein said printing elements are divided into multiple groups, said timing device generating a driving timing sequence for one group of printing elements by

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shifting the reference timing sequence with a random amount (*FIG. 26: 128 heaters are divided into 8 groups that are driven by the heat signals H1-H16*).

2. Claims 17, 22, 27, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (US 5914731) in view of Iwasaki et al. (US 6142598).

Yano et al. disclose the claimed invention as discussed above except wherein said timing device respectively multiplies N random values to said reference timing sequence to generate said N sets of driving timing sequences.

Iwasaki et al. disclose a printing apparatus in which printing elements are driven by a driving timing sequence that is generated by multiplying a reference timing sequence to a variation value sequence (*column 5, lines 5-49*) in order to eliminate the printed image unevenness that cyclically appears due to variations in the manufacturing errors (*Abstract*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the method of deriving the driving timing sequence as disclosed by Yano et al. by, instead of adding, multiplying the reference timing sequence to the random value sequence as disclosed by Iwasaki et al. The motivation of doing so is to eliminate the printed image unevenness that cyclically appears due to variations in the manufacturing errors as taught by Iwasaki et al. (*Abstract*).

Response to Arguments

Applicant's arguments filed 10/07/2004 have been fully considered but they are not persuasive.

Regarding to the arguments on page 9: The applicants argued that the random numbers of Yano et al. are for randomly modulating the dot size and are irrelevant to driving timing, but

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not for providing random distances between consecutive dot images. The examiner does not agree with this argument. As discussed above and as disclosed in FIG. 5A-5C, in order to modulate the dot size, the driving timing for driving a printing element is randomly set to a waveform corresponding to a dot size. Thus, the random numbers for randomly modulating the dot size are relevant to driving timing. Moreover, because the consecutive dots are printed under random dot size modulation, the spaces (or the boundary-to-boundary distances) between the consecutive dots are also randomly changed. In addition, the applicants also argued that the element 1703 of Yano et al. is nothing more than a DRAM for storing random numbers, so the unit for generating random value series is not disclosed by Yano et al. However, because the claim language does not specify how the unit for generating random value series is configured or structured, the functionality of the memory disclosed by Yano et al. for storing and outputting random numbers still reads on the claim language of the claimed invention. Therefore, the arguments are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

November 12, 2004


HAI PHAM
PRIMARY EXAMINER